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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FUMIHIRO SHIGENAGA

Serial No.: 09/882,545

Filed: June 15, 2001

For: A HIGH-HAT STAND

Art Unit: 2837

Examiner: Kimberly R. Lockett

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TECHNOLOGY CENTER 2800

AMENDMENT

Commissioner for Patents

Washington, D.C. 20231

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Dear Sir:
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In response to the Office Action dated May 8, 2002, it is respectfully requested that the Examiner consider the following remarks and reconsider the rejection.

REMARKS

The Examiner has rejected claims 1-3 under 35 USC 102 as being anticipated by Ishimatsu, stating that Ishimatsu discloses the use of a high hat stand comprising an operating rod 3 which is movable upward and downward by a foot pedal 12 so as to move a movable cymbal up and down relative to a stationary cymbal 7, the rod being comprised of an upper rod 3 that is threadably connected in a disengageable fashion in a connecting section wherein an elastic section 30, 31 that is compressed between the connection of the rod members undergoes elastic recovery upon separation of the rod member .

In reply thereto, Applicant would like to first point out that the feature of Applicant's invention is that in a high hat stand, the operation rod is comprised of an upper rod member and a lower rod member 1A, 1B and these are connected to each other with an elastic section 43 in between, thus avoiding the disadvantage of the connection from becoming loose.

With the above in mind, Applicant has carefully reviewed Ishimatsu and respectfully submits that this element is not an operating rod and is in fact merely the outer tube. Still further, Applicant respectfully submits that the spacers 30 and 31 of Ishimatsu are not elastic